

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No. 1:18-cr-50-1
(Judge KleeH)

TERRICK ROBINSON,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 116]

On August 28, 2018, Defendant Terrick Robinson ("Robinson") filed a pro se motion, even though he is represented by counsel, requesting a hearing regarding a traffic stop and search warrant. ECF No. 110. The Court referred the motion to United States Magistrate Judge Michael J. Aloï. The Government moved for an extension of time to file a response. ECF No. 113. On September 4, 2019, Judge Aloï entered a Report and Recommendation ("R&R") recommending that Robinson's pro se motion, construed as a motion to suppress, be denied as improvidently filed. ECF No. 116. He also recommended that the Court deny as moot the Government's motion for an extension. The R&R informed the parties that they had 14 days to object to it. Further, the R&R informed the parties that failure to object would constitute a waiver of de novo review by the District Court and a waiver of appellate review. On September 13, 2019,

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Robinson filed pro se objections to the R&R. ECF Nos. 118, 119.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the [parties do] not object." Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Here, the Court will review the R&R de novo.

This Court is not obligated to consider pro se motions in criminal cases where the defendant is represented by counsel. See United States v. Carranza, 645 F. App'x 297, 300 (4th Cir. 2016) (noting that "[a] criminal defendant has no statutory or constitutional right to proceed pro se while simultaneously being represented by counsel"). As Judge Aloï stated, this Court routinely denies such motions. See, e.g., United States v. Ramage, No. 1:09CR61, 2009 WL 4110321, at *2 (N.D.W. Va. Nov. 25, 2009); United States v. Brooks, No. 1:09MJ71, 2009 WL 3365642, at *2 (N.D.W. Va. Oct. 19, 2009); United States v.

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Boulware, No. 1:09CR5, 2009 WL 972606, at *2-3 (N.D.W. Va. Apr. 8, 2009). Accordingly, because Robinson's counsel has not adopted the pro se motion, the Court hereby **ADOPTS** the R&R [ECF No. 116] and **DENIES** Robinson's pro se motion as improvidently filed [ECF No. 110]. The Court **DENIES AS MOOT** the Government's motion for an extension [ECF No. 113].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: September 24, 2019



THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE